

Michigan Department of Civil Service

# REGULATION

Appointing Authority Letter Reference:	Effective Date:	Index Reference:	Regulation Number:  <b>1.05</b>
Issuing Bureau: Human Resource Services	Rule Reference:  <a href="#">Chapter 1 Rule 1-13 (Patents and Inventions)</a>  <a href="#">1-14 (Copy rights)</a>		Replaces:  Compensation Procedure 17
Subject:  <b>PATENTS, INVENTIONS AND COPYRIGHTS</b>			

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## 1. PURPOSE

The purposes of this regulation are to (1) define the property rights for patents and inventions and (2) define agency responsibility.

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

~~Chapter 5, Compensation and Fringe Benefits Rule, Sections 5-61-13 Patents and Inventions and 1-14 Grants and Contracts. See also~~ Also see Patent Guidelines and Copyright Guidelines contained in Appointing Authority Letters CS-6462 and 6469, dated April 17, 1984 and July 3, 1984, respectively.

**A. 1-13.1 Patents and Inventions. Employee Rights.** *The property rights in a patent on an invention created by a classified employee are subject to contract entered into by the state administrative board as provided by law. The employee's compensation is 15 percent of the net royalties that may result from the invention. The compensation provisions of this rule are not negotiable. However, any dispute concerning the employee's property rights relative to the state's property rights in such an invention is grievable.*

**B. 1-14.1 Copyrights. Employee Rights.** *The property rights in a copyright that subsists in a work created by a classified employee as an author-employee belong to the state and are subject to contract entered into by the state administrative board as provided by law.*

*The author-employee's compensation is 15 percent of the net royalties from written licenses or transfers to third parties by the state of Michigan that may result from a work, but only when the state or agency has obtained a certificate of copyright. The compensation provisions of this rule are not negotiable. However, any dispute concerning the author-employee's property rights relative to the state's property rights in such a copyright is grievable.*

### **3. STANDARDS**

- A. I.**—The property rights of a classified employee in a patent on an invention which the employee created shall be subject to contract entered into by the state administrative board as provided by law.
- B. II.**—The property rights of a classified employee in a copyright which subsists in a work created by the employee as an author-employee shall belong to the state and be subject to contract entered into by the state administrative board as provided by law.
- C. III.**—The prime responsibility for patent and copyright activities shall be assumed by the agency management.

### **4. PROCEDURES**

- A. I.**—The Patent Guidelines and Copyright Guidelines issued at the time the Civil Service rules were promulgated are not binding but afford assistance and direction to those agencies which may not be experienced in dealing with patents, inventions, and copyrights.
- B. II.**—The Department of Civil Service will offer guidance, advice, and coordinating service to agencies and will serve as a liaison with the State Administrative Board on patent and copyright matters.

### **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.